

**TIPPECANOE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
DECEMBER 1, 2003**

The Tippecanoe County Commissioners met on Monday, December 1, 2003 at 10:00 A.M. in the Tippecanoe Room in the County Office Building. Commissioners present were: President KD Benson, Vice President Ruth E. Shedd, and Member John L. Knochel. Also present were: Auditor Robert A. Plantenga, Commissioners' Assistant Jennifer Weston, County Attorney David W. Luhman, and Secretary Pauline E. Rohr.

President Benson called the meeting to order and led the Pledge of Allegiance.

APPROVAL OF MINUTES

Commissioner Shedd moved to approve the minutes of the November 3, 2003 Regular Meeting, the November 5, 2003 Special Meeting, and the November 13, 2003 Special Joint Meeting with the County Council as distributed, seconded by Commissioner Knochel; motion carried.

APPROVAL OF ACCOUNTS PAYABLE VOUCHERS

- Upon the recommendation of Commissioners' Assistant Weston, Commissioner Knochel moved to approve the Accounts Payable Vouchers as submitted for the periods ending November 21, 2003, November 26, 2003, and December 1, 2003, seconded by Commissioner Shedd; motion carried.

SUBDIVISION VARIANCE: Robbins SD: Tabled 11-17-2003

- Commissioner Shedd moved to bring the Robbins Subdivision Variance request off the table, seconded by Commissioner Knochel; motion carried.

The petition states a request for a variance to waive the required half-width road improvements to the CR 500 S frontage.

Highway Executive Director Mark Albers said he received a letter from Mr. Gross agreeing, on behalf of the petitioner, to deposit \$2,300 in escrow in lieu of the half width improvements to CR 500 S at this time.

- Commissioner Shedd moved to approve the Robbins Subdivision Variance on the condition the \$2,300 is deposited in escrow by the petitioner, seconded by Commissioner Knochel; motion carried.

HIGHWAY: Executive Director Mark Albers

2004 MATERIALS AND SUPPLY BIDS OPENED

Attorney Luhman opened the bids but did not read totals since the bids contained various unit pricing.

Gasoline & Diesel Fuel

Westland Co-op

Bid Bond

- Commissioner Shedd moved to take the Fuel bid under advisement, seconded by Commissioner Knochel; motion carried.

Crushed Limestone Aggregates

US Aggregates, Inc.

Bid Bond

Vulcan Materials Co.	Bid Bond
Materials Service Corp.	Bid Bond

- Commissioner Shedd moved to take the Crushed Limestone bids under advisement, seconded by Commissioner Knochel; motion carried.

Gravel Aggregates & Fine Aggregates

Vulcan Materials, Co.	Bid Bond
Purdy Materials, Inc.	Check

- Commissioner Shedd moved to take the Gravel bids under advisement, seconded by Commissioner Knochel; motion carried.

Recycled Concrete

Purdy Materials, Inc.	Check
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- Commissioner Shedd moved to take the Recycled Concrete bid under advisement, seconded by Commissioner Knochel; motion carried.

Equipment Rental

Rieth-Riley Construction Co., Inc.	Bid Bond
American Paving & Asphalt, Inc.	Check
Milestone Contractors, L.P.	Bid Bond

- Commissioner Shedd moved to take the Equipment Rental bid under advisement, seconded by Commissioner Knochel; motion carried.

PLAN APPROVAL: CR 550 E Reconstruction from McCarty Lane to SR 26 E

Mr. Albers requested approval of the Plan for the reconstruction of CR 550 E from McCarty Lane to SR 26 E into an Urban Roadway. The City of Lafayette and INDOT will participate in the estimated \$2.1 million project. The City will bring the road up to the urban standard and increase capacity amount in the City's Drainage Ordinance. INDOT's participation will consist of upsizing the storm drain along SR 26 as part of the State's widening project. Mr. Albers said he expects to open bids in January 2004.

- Commissioner Shedd moved to approve the Plan for the CR 550 E Reconstruction Project, seconded by Commissioner Knochel; motion carried.

STREET ACCEPTANCE: Meadowgate Estates SD MAINTENANCE BOND #1000533: R. W. Davis Contracting, Inc.

Mr. Albers recommended acceptance of the following street located in Meadowgate Estates SD:

Shooting Star Lane	4,273.53'	Asphalt
Shooting Star Court	691.02'	Asphalt

- Commissioner Shedd moved to accept Shooting Star Lane and Shooting Star Court in Meadowgate Estates SD into the County Highway System and three (3) year Maintenance Bond #1000533 for R. W. Davis Contracting, Inc, in the amount of \$25,874, seconded by Commissioner Knochel; motion carried.

GRANTS OF RIGHT OF WAY: South River Rd. Project

Mr. Albers presented the following Grants and Temporary Grants of Right-of-Way for approval:

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|----------------------|--|
| Key #132-02900-0037: | Parcel 9: A part of the NW ¼ of Sec 28, Twp 23 N, R 5 W of the 2 nd Principal Meridian in Wabash Twp from Dorothy Boes, as Trustee pursuant to a Living Trust dated January 11, 1991. |
| Key #132-2800-0093: | Parcel #26: A part of the NW ¼ of Sec 27, Twp 23 N, R 5 W of the 2 nd Principal Meridian in Wabash Township from Vulcan Lands, Inc. |

TEMPORARY GRANTS OF RIGHT OF WAY: South River Rd. Project

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|----------------------|---|
| Key #132-02900-0037: | Parcel 9A: Commencing at the NW corner of said Sec 28 from Dorothy Boes, as Trustee pursuant to a Living Trust dated January 11, 1991. |
| Key #132-02900-0037: | Parcel 18A: A part of the NE ¼ of Sec 28, Twp 23 N, R 5 W of the 2 nd Principal Meridian in Wabash Twp from James D. & Jane L. Erwin. |
| Key #132-02900-0103: | Parcel 20A: A part of the NE ¼ of Sec 28, Twp 23 N, R 5 W of the 2 nd Principal Meridian in Wabash Twp from Randall D. & Rena M. Little. |

- Commissioner Shedd moved to approve the Grants and Temporary Grants of Right-of-Way for the South River Road Project, seconded by Commissioner Knochel; motion carried.

WARRANTY DEED: CR 200 N Project

TEMPORARY GRANT OF RIGHT-OF-WAY: CR 200 N Project

Mr. Albers submitted for acceptance the following Warranty Deed and Temporary Grant of Right-of-Way for the CR 200 N Project.

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|----------------------|---|
| Key #114-03700-0253: | Parcels 15 & 15A: A part of the E ½ of the NW ¼ of Sec 18, Twp 23 N, R 3 W of the 2 nd Principal Meridian in Perry Twp from Diana J. Hardy & Evelyn Blackwood. |
|----------------------|---|

- Commissioner Shedd moved to approve the Warranty Deed and Temporary Grant of Right-of-Way for the CR 200 N Project, seconded by Commissioner Knochel; motion carried.

CONSTRUCTION MAINTENANCE BOND #B-80 442149: Gregory A. Jacobs dba Pantry Plus, Inc.

- Commissioner Shedd moved to approve 3 year Construction Maintenance Bond #B-80 442149 for Gregory A. Jacobs dba Pantry Plus, Inc. in the amount of \$5,000 for work on the right-of-way of CR 300 N, seconded by Commissioner Knochel; motion carried.

CERTIFICATES OF INSURANCE

- ♦ Cincinnati Insurance Co for David C. & Susan M. Leffert.
- ♦ United Farm Family Mutual Insurance Company for David L. Blubaugh DBA Blubaugh Excavating.
- ♦ Cincinnati Insurance Co, Cincinnati Casualty Company for Tippecanoe Builders Inc ETAL.
- ♦ Zurich North America, Accident Fund for United Consulting Engineers & Architects Inc.
- ♦ American States Insurance Company for Michael L. Krachinski.

ORDINANCE 2003-47-CM: Z-2150, Tim & Kristine Burke AA to GB

Ordinance 2003-47-CM will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

- Commissioner Shedd moved to hear and approve Ordinance 2003-47-CM, seconded by Commissioner Knochel.

(quote)

November 20, 2003

Ref. No.: 03-671

Tippecanoe County Commissioners
20 North 3rd Street
Lafayette, IN 47901

Attn: Tippecanoe County Auditor

CERTIFICATION

RE: **Z-2150-TIM & KRISTINE BURKE (AA TO GB):** Petitioners are requesting rezoning of 1.66 acres located between SR 25 S and CR 900 W just south of the SR 25/SR 28 intersection in the unincorporated town of Odell, Jackson 11 (NW) 21-6.

CONTINUED FROM THE OCTOBER MEETING DUE TO LACK OF SIGN POSTING.

Dear County Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on November 19, 2003, the Area Plan Commission of Tippecanoe County voted 9 yes - 4 no on the motion to rezone the subject real estate from AA to GB. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be APPROVED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at their December 1, 2003 regular meeting.

Sincerely,
/s/James D. Hawley
Executive Director

(unquote)

Representing the petitioners, Attorney Joe Bumbleburg requested a zoning change for 1.66 acres located on SR 25 near SR 28 in the unincorporated town of Odell so the petitioner can operate a used car lot. In Mr. Bumbleburg's opinion, the triangular shape of the lot, 125' at the narrow end, 135' at the wide end, and 666' in length, is not suited for many other uses. Three neighbors wrote letters of approval. According to Greater Lafayette Progress figures, approximately 2000 daily commuters travel through this intersection from Fountain and Warren Counties to Lafayette.

Commissioner Shedd observed that this land could have other uses if it is zoned GB. Mr. Bumbleburg disagreed because he thinks the size of the lot constrains other GB uses.

Auditor Plantenga recorded the vote:

KD Benson	Yes
Ruth Shedd	No
John Knochel	Yes

- The motion to approve Ordinance 2003-47-CM passed 2 – 1.

ORDINANCE 2003-48-CM: Z-2151, AW Investments, LLC (The Havens at Hickory Ridge PD) R1 to PDRS
ORDINANCE 2003-49-CM: Z-2152 South 18th LLC (The Retreat at Hickory Ridge PD) R1 to PDRS

Ordinance 2003-48-CM and Ordinance 2003-49-CM will appear in their entirety in the Ordinance and Resolution Book in the County Auditor's Office.

- Commissioner Shedd moved to hear and approve Ordinance 2003-48-CM and Ordinance 2003-49-CM, seconded by Commissioner Knochel.

(quote)

November 20, 2003

Ref. No: 03-672

Tippecanoe County Commissioners
 20 North 3rd Street
 Lafayette, IN 47901

Attn: Tippecanoe County Auditor

CERTIFICATION

RE: Z-2151-AW INVESTMENTS, LLC (The Havens at Hickory Ridge PD)(R1 TO PDRS):
 Petitioner, with consent of owners, is requesting rezoning of 28.64 acres for a residential planned development of twenty 1-story 4-plex condominiums, with 80 units located on the west side of Concord Road between CR 430 S and CR 500 S, Wea 15 (SW) 22-4.

Dear County Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on November 19, 2003, the Area Plan Commission of Tippecanoe County voted 13 yes - 0 no to APPROVE the motion to rezone the subject real estate from R1 to PDRS. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be APPROVED for the property described in the attachment, contingent on the following conditions:

Meeting all requirements of UZO 2-27-10 for submission of Final Detailed Plans, signed off by those noted in that section to include:

1. all sheets (other than preliminary plat) that make up the approved Preliminary Plan;
2. a final plat per UZO Appendix B-3-2 as applicable;
3. because "The Havens" is a duplicate of an existing subdivision name, a new development name shall be provided;
4. layout of street lighting plan developed with the electric company;
5. dedication to the County of the 40' right-of-way shown along Concord;
6. a "No Vehicular Access" statement shall be platted along the Concord Road right-of-way line with two exceptions:
 - a. a temporary emergency *and construction* drive entrance to Lot 2 approved by County Highway; and
 - b. either a permanent single entrance drive to Lot 2 or provisions for the location of a future public road intersection at CR 450 S subject to County Highway approval.

Restrictive Covenants - The following items shall be part of the planned developments covenants:

7. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.

Additional Conditions:

8. A copy of the Articles of Incorporation for the Condominium Home Owners Association, approved and filed with the Indiana Secretary of State, along with a Certificate of Incorporation.

Please note that the Commission also voted 13 yes - 0 no to amend condition #6a to include the wording "and construction entrance".

Public Notice has been given that this petition will be heard before Tippecanoe County Commissioners at their December 1, 2003 regular meeting.

Sincerely,
/s/James D. Hawley
Executive Director

November 20, 2003
Ref. No: 03-673

Tippecanoe County Commissioners
20 North 3rd Street
Lafayette, IN, 47901

Attn: Tippecanoe County Auditor

CERTIFICATION

RE: Z-2152-SOUTH 18th, LLC (The Retreat at Hickory Ridge PD) (R1 TO PDRS):

Petitioner, with consent of owners, is requesting rezoning of 13.83 acres for a neo-traditionally designed single-family residential development on 50 lots, located on the west side of Concord Road between CR 430 S and CR 500 S, Wea 15 (SW) 22-4.

Dear County Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on November 19, 2003, the Area Plan Commission of Tippecanoe County voted 13 yes - 0 no to APPROVE the motion to rezone the subject real estate from R1 to PDRS. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be APPROVED for the property described in the attachment, contingent on the following conditions:

Meeting all requirements of UZO 2-27-10 for submission of Final Detailed Plans, signed off by those noted in that section to include:

1. all sheets (other than preliminary plat) that make up the approved Preliminary Plan;
2. a final plat per UZO Appendix B-3-2 as applicable;
3. removal of names on private alleys;
4. layout of street lighting plan developed with the electric company;
5. dedication of the 40' right-of-way shown along Concord;
6. a note establishing the maximum allowable percent of lot coverage at 40% and minimum required vegetative cover at 30%;
7. a "No Vehicular Access" statement platted along the Concord Road right-of-way line, the south right-of-way line of Mondavi Blvd., and both sides of Raymond Lane;
8. a statement that establishes whether the house plans shown are typical or actual;

Restrictive Covenants - The following items shall be part of the planned development's covenants made enforceable by the Area Plan Commission and irrevocable by the lot owners:

9. The "No Vehicular Access" restriction on Concord Road right-of-way line, the south right-of-way line of Mondavi Blvd. and both sides of Raymond Lane.

10. a restriction prohibiting conversion of garage space into living space, also enforceable by the Administrative Officer;
 11. the 40% maximum allowable percent of lot coverage and 30% required vegetative cover, also enforceable by the Administrative Officer;
- Additional Conditions:
12. A copy of the Articles of Incorporation for the Home Owners Association of Hickory Ridge Planned Development Inc., approved and filed with the Indiana Secretary of State, along with the Certificate of Incorporation.

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at their December 1, 2003 regular meeting.

Sincerely,
/s/James D. Hawley
Executive Director

(unquote)

Representing the petitioners for both rezone requests, Attorney Dan Teder requested zoning changes from R1 to PDRS.

AW Investments, LLC – Z-2151: Contains approximately 29 acres located on the west side of Concord Road between CR 430 S and CR 500 S on which the developer wants to erect 80 units on a 2 lot subdivision. One lot is the proposed site for a church and the second lot will contain condominiums that will range in price from \$125,000 to \$175,000. The planned development will include a clubhouse, gazebo, and pond. All utilities are present.

South 18th, LLC – Z-2152: Contains approximately 14 acres located on the west side of Concord Road between CR 430 S and CR 500 S on which the developer wants to build single family structures on 50 lots. With structures ranging in price from \$160,000 to \$200,000, there will be a homeowner's association, private roads and city utilities. A landscaping berm will separate the development from Concord Road as well as Aberdeen.

Mr. Teder noted there have been no objections to either rezoning request.

With no questions or comments, Auditor Plantenga recorded the votes:

Ordinance 2003-48-CM

Ruth Shedd	Yes
John Knochel	Yes
KD Benson	Yes

- The motion to approve Ordinance 2003-48-CM passed 3 – 0.

Ordinance 2003-49-CM

John Knochel	Yes
KD Benson	Yes
Ruth Shedd	Yes

- The motion to approve Ordinance 2003-49-CM passed 3 – 0.

ORDINANCE 2003-50-CM: Z-2153, Edith Carr Flaningam Trust, Et Al, A to I3

Ordinance 2003-50-CM will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

- Commissioner Shedd moved to hear and approve Ordinance 2003-50-CM, seconded by Commissioner Knochel.

(quote)

November 20, 2003
Ref. No.: 03-674

Tippecanoe County Commissioners
20 North 3rd Street
Lafayette, IN 47901

Attn: Tippecanoe County Auditor

CERTIFICATION

RE: **Z-2153-EDITH CARR FLANINGAM TRUST, ET AL (A TO I3):** Petitioner is requesting rezoning of 165.75 acres located on the north side of Haggerty Lane, (CR 200 S) west of 1-65 and ½ mile east of CR 500 E, Perry 31 (S1/2) 23-3.

Dear County Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on November 19, 2003, the Area Plan Commission of Tippecanoe County voted 12 yes - 0 no on the motion to rezone the subject real estate from A to I3. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be APPROVED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at their December 1, 2003 regular meeting.

Sincerely,

/s/James D. Hawley
Executive Director

(unquote)

Representing the petitioners, Attorney Dan Teder requested a zoning change from A to I3 so the property can be listed for sale to an industrial user. The 165.75 acres is surrounded by industrial zoning.

With no questions or comments, Auditor Plantenga recorded the vote:

KD Benson	Yes
Ruth Shedd	Yes
John Knochel	Yes

- The motion to approve Ordinance 2003-50-CM passed 3 – 0.

CONTRACTUAL AGREEMENT: Public Defender Amy Hutchison

Mrs. Hutchison requested approval of a contractual agreement with C. Wayne Fountain to provide legal services as a Public Defender from December 1, 2003 through and including December 31, 2003.

- Commissioner Shedd moved to approve the contractual agreement with C. Wayne Fountain, seconded by Commissioner Knochel; motion carried.

RESOLUTION 2003-37-CM: Interlocal Agreement with the Cities of Lafayette and West Lafayette for Traffic Counters

Resolution 2003-37-CM will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

The Commissioners were asked to approve this resolution which is an interlocal agreement for the purchase, maintenance, and use of traffic counters by the Cities of Lafayette and West Lafayette, and the County. Area Plan Assistant Director Sallie Fahey explained that 80% of the planning money can be used to purchase traffic counters every 5 years for the three entities. The traffic counters are the property of Area Plan for 5 years but, after that time, they become the property of the three jurisdictions and can still be used if they are functional.

Attorney Luhman explained that each jurisdiction pays 1/15th of the cost and the rest is covered by the federal grant. The County's portion is \$1,630.53. Each jurisdiction is responsible for maintenance of their counters.

- Commissioner Shedd moved to approve Resolution 2003-37-CM, seconded by Commissioner Knochel; motion carried.

HEALTH DEPARTMENT VEHICLE LEASE: Chief Environmentalist Ron Noles

Mr. Noles said they have 3 quotes for 36 months or 48 months for their vehicle lease and should have an agreement for the Commissioners' approval by December 15. Their Budget includes funds to lease but not to purchase.

- No action was taken.

MEMORANDUM OF AGREEMENT: BEAMES: Juvenile Alternatives representative Laura Spiker

Ms Spiker requested approval of this agreement with Lafayette School Corporation for support of the BEAMES (Behavior Adjustment Mediation for Elementary Students) Program in the amount of \$21,935 from October 1, 2003 through June 30, 2004. She said Tippecanoe School Corporation and West Lafayette School Corporation also provide support for BEAMES.

- Commissioner Shedd moved to approve the Memorandum of Agreement with Lafayette School Corporation for the BEAMES Program, seconded by Commissioner Knochel.

VILLA APPLICATIONS

- Commissioner Shedd moved to approve the applications of Marilyn A. Stevens, Jack O. Brooker, Opal I. Losh, Carolyn Sanders, and Rodney D. Cowling to the Tippecanoe Villa, seconded by Commissioner Knochel; motion carried.

APPOINTMENTS: Common Wage Board

- Commissioner Shedd moved to ratify the appointments to the Common Wage Board of Caren Shedd for projects at Purdue University and Tom Murtaugh for 2004 Mechanical, Electrical, and Telecommunications Projects for Lafayette School Corporation, seconded by Commissioner Knochel; motion carried.

UNFINISHED BUSINESS

At the November 17, 2003 meeting, CASA Director Coleen Hamrick requested a change in status for the Attorney and Office Manager for 2004. The job descriptions were sent to Wagner, Irwin, and Scheele for classifications but, since no report has been received, no action was taken.

EPA BROWNFIELDS ASSESSMENT GRANT: Sanders Howse, Community Development Corporation (CDC) Director

Mr. Howse requested approval for the County to be the lead applicant for the CDC's application for the EPA Brownfields Assessment Grant that has a submission deadline of December 4, 2003. The CDC will hold a public hearing on this grant application tonight at the Tippecanoe County Public Library. In an effort to redevelop the Wabash River corridor, the grant will fund the assessment of properties along the corridor with potential environmental problems and any necessary clean-up because it will be a reuse of properties. Mr. Howse said they want to assess properties designated for redevelopment so they can apply for a grant next year for a specific property assessment. Each government is allowed to apply for a \$200,000 grant to assess an individual property, another \$200,000 grant for clean-up of a particular property, and \$1 million per community to create a revolving loan fund to offer property owners to clean up contamination on their properties.

Commissioner Shedd asked who will determine how the \$200,000 grant will be used. Mr. Howse responded that the communities are the requesters of the grant and will be involved. He said the CDC is asking to be designated as the sub-grantee.

Commissioners' Assistant Weston reported the Grant Coordinator reviewed the application. She said the CDC will do the accounting and the work, and the County will review the fiscal management, review claims, and prepare for the annual audit.

- Commissioner Shedd moved to approve the grant application and authorize the President to sign after review by the Grant Coordinator, seconded by Commissioner Knochel; motion carried.

REPORTS

Reports from Wabash River Parkway Commission, Park Department, Tippecanoe Villa, Weights & Measures, and the Health Department are on file in the Commissioners' Office for review.

PUBLIC COMMENT

None.

ADJOURNMENT

- Commissioner Shedd moved to adjourn, seconded by Commissioner Knochel; motion carried.

Robert A. Plantenga, Auditor